08-13555-mg Doc 12198 Filed 10/12/10 Entered 10/20/10 16:26:44 Main Document Pg 1 of 3

Karl Joseph Thoma 7239 Reserve Creek Drive Port St. Lucie, FL 34986

October 5, 2010

### Moranezanes Vickeek

One Bowling Green Courtroom 601 New York, NY 10004

Weil Gotshal & Manges LLP Attn: Shai Waisman Esq. 767 Fifth Avenue New York, NY 10153

Office of the United States Treasurer for the Southern District of New York
Attn: Andy Velez-Rivera, Esq., Paul Schwartzberg, Esq., Brian Masumoto, Esq., Linda
Riffkin, Esq., and Tracey Hope Davis, Esq.
33 Whitehall Street, 21<sup>st</sup> floor
New York, NY 10004

Milbank, Tweed, Hadley & McCloy LLP Attn: Dennis F. Dunne, Esq., Dennis O'Donnell, Esq., and Evan Fleck, Esq. 1 Chase Manhattan Plaza New York, NY 10005

#### IN REGARDS TO

United States Bankruptcy Court
Southern District of New York
Chapter 11 Case No. 08-13555 (JMP)
Lehman Brothers Holdings Inc., et al., Debtors
Notice of Hearing on Debtors' Forty-Ninth Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims) – copy attached

#### WRITTEN RESPONSE TO THE OBJECTION

I am the legal owner of Preferred Shares as outlined in the Proof of Claim that was submitted to the courts earlier. The facts have not changed. Since I paid cash for these shares and received dividends in accordance with the prospectus that was filed for these securities my sole ownership of these is and will continue to be intact and absolute.

I object to any attempt to disallow, expunge, reduce or reclassify my claim relative to these investments. I expect to be treated fairly in any distribution of funds remaining from this bankruptcy. I find this kind of legal maneuvering with the sole purpose of avoiding the claims of the real owners of specific and fully registered securities dishonest and underhanded regardless of the legal shenanigans.

U.S. BANKRUPTCY COURT, SDNY

Yours truly,

Karl Joseph Thoma

UNITED STATES BA	NKRUPTCY COURT
SOUTHERN DISTRI	CT OF NEW YORK

In re

Chapter 11 Case No.

LEHMAN BROTHERS HOLDINGS INC., et al.,

08-13555 (JMP)

Debtors.

(Jointly Administered)

LBH OMNI49 09-24-2010 (MERGE2,TXNUM2) 4000081332 MAIL ID \*\*\* 0033524698 \*\*\* BSIUSE: 365

THOMA, KARL JOSEPH 7239 RESERVE CREEK DR PORT SAINT LUCIE, FL 34986

## THIS IS A NOTICE REGARDING YOUR CLAIM(S). YOU MUST READ IT AND TAKE ACTION IF YOU DISAGREE WITH THE OBJECTION.

# IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE OR THE OBJECTION, PLEASE CONTACT DEBTORS' COUNSEL, CASEY BURTON, ESQ., AT 214-746-7700.

### NOTICE OF HEARING ON DEBTORS' FORTY-NINTH OMNIBUS OBJECTION TO CLAIMS (DUPLICATIVE OF INDENTURE TRUSTEE CLAIMS)

Creditor Name and Address: THOMA, KARL JOSEPH 7239 RESERVE CREEK DR PORT SAINT LUCIE, FL 34986		<u>Claim</u> Number	Date Filed	<u>Case</u> <u>Number</u>	Classification and Amount
	Claira to be Disallowed and Expunged	34542	9/23/2009	No Case	SECURED: \$ 57,042.39
	Surviving Claim	22122	9/21/2009	08-13555	UNSECURED: \$ 311,742,937.05
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PLEASE TAKE NOTICE that, on September 24, 2010, Lehman Brothers Holdings Inc. and certain of its affiliates (collectively, the "Debtors") filed their Forty-Ninth Omnibus Objection to Claims (Duplicative of Indenture Trustee Claims) (the "Objection") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

The Objection requests that the Bankruptcy Court expunge, reduce, reclassify, and/or disallow your claim listed above under CLAIM TO BE DISALLOWED & EXPUNGED on the ground that it is substantively duplicative, in whole or in part, of the corresponding global claim listed above under SURVIVING CLAIM. The global claim is a general unsecured claim filed by the Bank of New York Mellon, in its capacity as indenture trustee, on behalf of itself and the holders of certain unsecured notes (the "Notes"). Your claim has been identified as also relating, in whole or in part, to the Notes. If the Objection is granted, your claim will be disallowed and expunged to the extent that it asserts claims related to the Notes, regardless of whether your claim asserts entitlement to treatment as a general unsecured, secured, administrative, and/or priority claim. If your claim wholly relates to the Notes and the Objection is granted, then your claim will be disallowed and expunged in its entirety. If only a portion of your claim relates to the Notes and the Objection is granted, then only that portion of your claim will be disallowed and expunged. Any claim or portion of a claim that the Bankruptcy Court expunges and disallows will be treated as if it had not been filed and you will not be entitled to any distribution on account thereof.

If you do NOT oppose the disallowance, expungement, reduction or reclassification of your claim listed above under CLAIM TO BE DISALLOWED & EXPUNGED, then you do NOT need to file a written response to the Objection and you do NOT need to appear at the hearing.

If you DO oppose the disallowance, expungement, reduction or reclassification of your claim listed above under CLAIM TO BE DISALLOWED & EXPUNGED, then you MUST file with the Court and serve on the parties listed below a written

<sup>&</sup>lt;sup>1</sup> A list of the Debtors, along with the last four digits of each Debtor's federal tax identification number, is available on the Debtors' website at http://www.lehman-docket.com.

response to the Objection that is received on or before 4:00 p.m. Prevailing Eastern Time on October 27, 2010 (the "Response Deadline").

Your response, if any, must contain at a minimum the following: (i) a caption setting forth the name of the Bankruptcy Court, the names of the Debtors, the case number and the title of the Objection to which the response is directed; (ii) the name of the claimant and description of the basis for the amount of the claim; (iii) a concise statement setting forth the reasons why the claim should not be disallowed, expunged, reduced, or reclassified for the reasons set forth in the Objection, including, but not limited to, the specific factual and legal bases upon which you will rely in opposing the Objection; (iv) all documentation or other evidence of the claim, to the extent not included with the proof of claim previously filed with the Bankruptcy Court or provided to the Debtors in response to the Derivative Questionnaire and/or Guarantee Questionnaire (as defined in the order, dated July 2, 2009, establishing the deadline for filing proofs of claim, approving the form and manner of notice thereof and approving the proof of claim form [Docket No. 4271]), upon which you will rely in opposing the Objection; (v) the address(es) to which the Debtors must return any reply to your response, if different from that presented in the proof of claim; and (vi) the name, address, and telephone number of the person (which may be you or your legal representative) possessing ultimate authority to reconcile, settle, or otherwise resolve the claim on your behalf.

The Bankruptcy Court will consider a response only if the response is timely filed, served, and received. A response will be deemed timely filed, served, and received only if the original response is actually received on or before the Response Deadline by (i) the chambers of the Honorable James M. Peck, One Bowling Green, New York, New York 10004, Courtroom 601; (ii) attorneys for the Debtors, Weil Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153 (Attn: Shai Waisman, Esq.); (iii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Andy Velez-Rivera, Esq., Paul Schwartzberg, Esq., Brian Masumoto, Esq., Linda Riffkin, Esq., and Tracy Hope Davis; Esq.); and (iv) attorneys for the official committee of unsecured creditors appointed in these cases, Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005 (Attn: Dennis F. Dunne, Esq., Dennis O'Donnell, Esq., and Evan Fleck, Esq.)

A hearing will be held on November 10, 2010 to consider the Objection. The hearing will be held at 10:00 a.m. Prevailing Eastern Time in the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, Courtroom 601. If you file a written response to the Objection, you should plan to appear at the hearing. The Debtors, however, reserve the right to continue the hearing on the Objection with respect to your claim. If the Debtors do continue the hearing with respect to your claim, then the hearing will be held at a later date. If the Debtors do not continue the hearing with respect to your claim, then a hearing on the Objection will be conducted on the above date.

If the Bankruptcy Court does NOT disallow, expunge, reduce or reclassify your claim listed above under CLAIM TO BE DISALLOWED & EXPUNGED, then the Debtors have the right to object on other grounds to the claim (or to any other claims you may have filed) at a later date. You will receive a separate notice of any such objections.

You may participate in a hearing telephonically provided that you comply with the Court's instructions (including, without limitation, providing prior written notice to counsel for the Debtors and any statutory committees), which can be found on the Court's website at www.nysb.uscourts.gov.

If you wish to view the complete Objection, you can do so on the Court's electronic docket for the Debtors' chapter 11 cases, which is posted on the internet at www.nysb.uscourts.gov (a PACER login and password are required and can be obtained through the PACER Service Center at <a href="https://www.lehman-docket.com">www.pacer.psc.uscourts.gov</a>), or for free at <a href="http://www.lehman-docket.com">https://www.lehman-docket.com</a>. If you would like to request a complete copy of the Objection at the Debtors' expense, please contact the Debtors' approved claims agent Epiq Bankruptcy Solutions, LLC toll-free at 1-866-879-0688.

If you have any questions about this notice or the Objection, please contact Debtors' counsel, Casey Burton, Esq., at 214-746-7700. CLAIMANTS SHOULD NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF THEIR CLAIMS.

DATED: September 24, 2010 New York, New York

WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, New York 10153 (212) 310-8000 Shai Y. Waisman ATTORNEYS FOR DEBTORS AND DEBTORS IN POSSESSION